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6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 * * * * *

9 In re:) Case No.BK-S-09-29709-LBR
10 JAMES LAMBERT and KELLI LAMBERT,) Chapter 13
11)
12 Debtor(s).) Date: 10/04/2010
Time: 10: 30 a.m.

13 **OPPOSITION TO MOTION FOR RELIEF AUTOMATIC STAY**

14 Debtors, JAMES LAMBERT and KELLI LAMBERT, by and through their attorney,
15 Matthew E. Aaron, Esq. of the law firm AARON & PATERNOSTER, LTD., files herein their
16 Opposition to Motion for Relief from the Automatic Stay, based upon the following Statement of Facts.

17 **STATEMENT OF FACTS**

18 1. Gregory Wilde, Esq., of the law firm WILDE & ASSOCIATES, on behalf of Movant,
19 MOREQUITY, filed a Motion to Lift the Automatic Stay on September 3, 2010, affecting Debtors'
20 residence more commonly described as 1075 Sapphire Sky Court, Henderson, NV 89015.

21 2. Movant states that Debtors are in arrears for the months of February through August, 2010
22 in the amount of \$11,787.96, inclusive of attorney fees and costs.

23 3. Debtors have informed their counsel that they have made their payments for the months of
24 February through August, 2010, and have made arrangements to make another payment before the
25 hearing. Debtors will provide proof of all payments at the hearing on October 4, 2010.

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1 **WHEREFORE**, the Debtor seeks an Order of the Court as follows:

2 1. Movant's Motion for Relief from Automatic Stay be denied;

3 2. If Debtors fail to provide the proof at the hearing and/or it is proven that the Debtors are in
4 arrears, Debtors request an APO in order to bring their mortgage current;

5 3. Any other relief that the Court deems necessary.

6 Dated: September 12, 2010

Submitted by:

7 AARON & PATERNOSTER, LTD.

8 /s/ Matthew E. Aaron
9 Matthew E. Aaron, Esq.
10 2800 W. Sahara Avenue, Suite 650
11 Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

1. On September 13, 2010, I served the following document(s)

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

2. I served the above-named document(s) by the following means to the persons as listed below:

x a. ECF System (You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary.)

Trustee Kathleen Leavitt: courtsecf3@las13.com

x b. United States mail, postage fully prepaid, addressed as follows:
(List persons and addresses. Attach additional paper if necessary.)

Gregory Wilde, Esq.
WILDE & ASSOCIATES
212 S. Jones Blvd.
Las Vegas, NV 89107

James & Kelli Lambert
10754 Sapphire Sky Court
Henderson, NV 89015

o c. Personal Service (List persons and addresses. Attach additional paper if necessary)
I personally delivered the document(s) to the persons at these addresses:

o For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

o For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

o d. By direct email (as opposed to through the ECF System)
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

o e. By fax transmission (List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

o f. By messenger (List persons and addresses. Attach additional paper if necessary) I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the

1 messenger must be attached to this Certificate of Service,).

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Signed on: September 13, 2010.

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5 An employee of Aaron & Paternoster, Ltd.

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